

MONDAY, APRIL 24, 1995

THIRTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Brother Dannie Bell, Webb Chapel, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

Representative Turner (Hamilton); illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 106: Rep(s). Curtiss and Walley as prime sponsor(s).

House Bill No. 385: Rep(s). Williams (Union), Ford, Peach, Ritchie and Duer as prime sponsor(s).

House Bill No. 631: Rep(s). Ford, Walley, McDonald, Curtiss, Callicott, Fowlkes, Hargrove, Stulce, Williams (Union) as prime sponsor(s).

House Bill No. 650: Rep(s). McDonald as prime sponsor(s).

House Bill No. 914: Rep(s). Curtiss as prime sponsor(s).

House Bill No. 1063: Rep(s). Herron and McMillan as prime sponsor(s).

House Bill No. 1215: Rep(s). Ford and Cantrell as prime sponsor(s).

House Bill No. 1403: Rep(s). McDonald as prime sponsor(s).

House Bill No. 1538: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 1788: Rep(s). Ramsey as prime sponsor(s).

PERSONAL ORDERS

RULES SUSPENDED

Rep. Kerr moved that the rules be suspended for the purpose of hearing House Bill No. 1063 out of order, which motion prevailed.

House Bill No. 1063 -- Holidays -- "Scottish-Irish Heritage Day," June 24. Amends TCA Title 15, Chapter 2. by *Kerr, *McKee, *Clabough, *McDonald, *McDaniel, *McAfee, *Davidson (*SB555 by *Koella, *Miller J, *McNally).

Further consideration of House Bill No. 1063 previously considered on April 20, 1995, and reset for today's Calendar.

On motion, House Bill No. 1063 was made to conform with **Senate Bill No. 555**; the Senate Bill was substituted for the House Bill.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 555 by deleting the language " 'Scottish-Irish Heritage Day'" from the caption and by substituting instead the language " Scottish, Scots-Irish Heritage Day" .

AND FURTHER AMEND by deleting the first sentence of the amendatory language of Section 1, and by substituting instead the following language:

June 24 of each year is to be observed as " Scottish, Scots-Irish Heritage Day" , to be proclaimed as such by the governor to honor and recognize the contributions people of Scottish and Scots-Irish heritage made to the founding and development of Tennessee.

This amendment changes the designation from Scottish-Irish Heritage Day to Scottish, Scots-Irish Heritage Day.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved that **Senate Bill No. 555**, as amended, be passed on third and final consideration, and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RECOGNITION

Representative Kerr was recognized in the Well to introduce the Nashville Pipe and Drum Band.

RECOGNITION

Rep(s). Head and McMillan were recognized in the Well to introduce Jennifer Santoro, 1995 Rhodes Scholar. The Clerk read House Joint Resolution No. 75.

MESSAGE FROM THE GOVERNOR

April 24, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 132, 175, 348 and 1739; also, House Joint Resolution(s) No(s). 203, 205, 207, 208 and 209; with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 24, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 42, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 24, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 75, 1069, 1217, 1673 and 1708, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE
April 24, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 269; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 269** -- Bond Issues -- Enacts "Tennessee Insurance Guaranty Association Bond Act of 1995." Amends TCA Title 4, Chapter 31; Title 56, Chapter 12. by *Womack (HB863 by *Chumney).

MESSAGE FROM THE SENATE
April 24, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1465; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 26, 1995:

House Resolution No. 65 -- Memorials, Interns -- Meribah B. A. Roulhac. by *Pruitt.

House Resolution No. 66 -- Memorials, Recognition and Thanks -- Judge Janice Brice-Wellington. by *Brown.

House Resolution No. 67 -- Memorials, Public Service -- Lynne Farrar. by *Phillips.

House Joint Resolution No. 253 -- Memorials, Death -- York Stewart. by *Huskey.

House Joint Resolution No. 254 -- Memorials, Sports -- Richard Mulrooney, star soccer player. by *Joyce.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1837** -- Utilities, Utility Districts -- Authorizes referendum of customers to approve increasing per diem for board of Huntsville Utility District, Scott County to \$250 from \$100 to be paid for not more than 12 meetings a year. Amends TCA 7-82-308. by *Winningham.

House Bill No. 1890 -- Rhea County -- Authorizes establishment of civil service system for sheriff's department. by *Duer.

House Bill No. 1891 -- Gibson County -- Revises length of terms of members of board of trustees of Gibson County School District. Amends Chapter 62, Private Acts of 1981, as amended. by *Phelan.

***House Bill No. 1892** -- Maury County -- Subject to local approval, authorizes \$25.00 wheel tax. by *Napier.

House Bill No. 1893 -- Maury County -- Subject to local approval, increases membership of civil service board from three to five. Amends Chapter 475, Private Acts of 1967. by *Napier, *White.

House Bill No. 1894 -- Hamilton County -- Subject to local approval, permits county employees pension system to invest in mutual funds and bank common trust funds. Amends Chapter 557, Private Acts of 1939, as amended. by *Stulce, *Sharp, *Wood, *Brown, *McAfee.

***House Bill No. 1895** -- Taxes -- Excludes certain inventory from franchise tax minimum measure and apportionment formula property factor; for sales tax purposes, includes certain equipment used in qualified, new or expanded warehouses or distribution facilities in definition of "industrial machinery." Amends TCA 67-4-906, 910, 67-6-102. by *Bittle, *Kisber.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

***Senate Bill No. 86** -- Courts -- Requires counties comprising judicial district to provide safe and secure facilities in which court may conduct business and execute duties. Amends TCA 162-505(d). by *Person, *Jordan, *Crowe.

***Senate Bill No. 402** -- Taxes, Sales -- Exempts from sales tax lift devices that permit ingress and egress of handicapped persons confined to wheelchairs from residences as well as from personal motor vehicles. Amends TCA 67-6-314. by *Jordan.

***Senate Bill No. 1522** -- Pensions and Retirement Benefits -- Authorizes retired members of TCRS to claim prior service for part-time employment and political subdivision service on same basis as other members of TCRS. Amends TCA Section 8-34-621 and Section 8-35-236. by *O'Brien.

Senate Bill No. 1608 -- Gas, Petroleum Products, Volatile Oils -- Authorizes gas acquisition corporations to act jointly and to contract with other entities. Amends TCA Title 7, Chapter 39, Part 3. by *Rice.

***Senate Bill No. 1644** -- Hazardous Materials -- Prohibits portable hazardous waste treatment facilities from bringing hazardous wastes from outside of Tennessee into state for storage and treatment. Amends TCA Title 68, Chapter 212. by *Springer.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1887 -- Montgomery County -- Local Bill Held on House Desk

House Bill No. 1889 -- Bolivar -- Local Bill Held on House Desk

CONSENT CALENDAR

***House Bill No. 629** -- Municipal Government -- Revises incorporation provisions to permit Scott County to use standard which permits incorporation when territory is more than two miles outside an existing municipality if existing municipality given 15 months to annex such territory, rather than present law which prohibits incorporation within three miles of existing municipality. Amends TCA Section 6-1-201. by *Winningham (SB1250 by *O'Brien).

On motion, House Bill No. 629 was made to conform with **Senate Bill No. 1250**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 132 -- General Assembly, Proclamations -- States that those who bear the title of "Miss Tennessee" shall serve as official hostess for the state. by *Kisber, *McDaniel.

***House Bill No. 656** -- Grand Juries -- Removes application requirement for testifying before grand jury. Amends TCA Title 40, Chapter 12. by *Buck, *Bragg, *Pinion (SB1392 by *Gilbert).

***House Bill No. 1811** -- Interstate Compacts -- Authorizes Tennessee's participation in Emergency Management Assistance Compact; restates language of compact. Amends TCA 58-2-401; Title 58, Chapter 2, Part 4. by *Davis, *Beavers, *Bird, *Cantrell, *Clabough, *Coffey, *Cole (Carter), *Duer, *Ford S, *Haley, *Kent, *Kerr, *McKee, *Peach, *Patton, *Roach, *Sharp, *Westmoreland, *Wood, *Williams (Union), *Newton (SB1800 by *Haun, *Atchley, *McNally, *Elsea, *Hamilton).

House Bill No. 1403 -- State Employees -- Authorizes three paid days of bereavement leave for death of grandparent or grandchild. Amends TCA Section 8-50-113(a). by *Duer, *Jones U (Shelby), *Ridgeway, *Armstrong, *DeBerry L, *Williams (Unio), *Halteman Harwell, *West, *Huskey, *Kent, *Bowers, *McKee, *Roach (*SB1040 by *Elsea).

House Joint Resolution No. 185 -- Naming and Designating -- "Osteoporosis Week," May 14-20, 1995. - by *Bowers, *Jones U (Shelby), *Brooks, *DeBerry J, *Miller L, *Pruitt, *Towns, *McMillan, *Langster, *Jones, S., *Halteman Harwell, *Eckles, *Duer, *Brown, *Hassell, *Turner (Ham).

***House Bill No. 187** -- Metropolitan Government -- Permits park rangers employed by metropolitan government to be commissioned as law enforcement officers and to enforce state and local laws throughout jurisdiction of metropolitan government upon successfully completing

training requirements of Jerry F. Agee Tennessee Law Enforcement Training Academy. Amends TCA Title 7, Chapter 3. by *Odom (SB961 by *Haynes).

House Bill No. 955 -- Metropolitan Government -- Allows legislative body of metropolitan government to assign responsibility for planning, locating, constructing and operating storm water facilities to any department or commission in county. Amends TCA Title 68, Chapter 221. by *Odom, *Garrett, *Robinson, *Purcell, *Arriola, *Langster, *Pruitt, *Jones, S., *West (*SB897 by *Rochelle, *Harper).

House Bill No. 1278 -- Gas, Petroleum Products, Volatile Oils - Empowers division of energy to promote research and development of collection, conversion and use of methane gas. Amends TCA Title 4, Chapter 3, Part 7. by *Stulce (*SB1093 by *Crutchfield).

On motion, House Bill No. 1278 was made to conform with **Senate Bill No. 1093**; the Senate Bill was substituted for the House Bill.

House Bill No. 1527 -- Solid Waste Disposal -- Adds one member to solid waste control board; such member shall be small generator of solid wastes or hazardous materials nominated by Tennessee Automotive Association. Amends TCA Section 68-211-111(a). by *Pinion (*SB906 by *Wallace).

House Bill No. 1531 -- Private Protective Services -- Exempts full time law enforcement officer from training requirements to get registration upon submission of police officer standards and training commission certification. Amends TCA Title 62, Chapter 35. by *Westmoreland, *Boyer, *Bird, *Rinks, *Cole (Dyer), *Phelan, *Kent (*SB1623 by *Kyle).

House Bill No. 1751 -- Courts, General Sessions -- Establishes person to serve and methods and procedures by which process is to be served in general sessions courts. Amends TCA Title 16. by *Purcell, *Buck, *Jackson, *Williams (Williamson) (*SB1499 by *Haynes).

On motion, House Bill No. 1751 was made to conform with **Senate Bill No. 1499**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 206 -- Naming and Designating -- Designates Sixth Annual City of Cookeville Cookoff as KCBS State of Tennessee Barbeque Championship. by *Hargrove.

House Bill No. 927 -- Custody and Support -- Revises manner in which court-ordered child support payments are collected by clerks of court; removes requirement in present law for collection to be by clerk of court of record. Amends TCA Titles 8, 18, 36. by *Hargrove, *Phelan, *Cole (Carter) (*SB562 by *Jordan).

***Senate Joint Resolution No. 11** -- Memorials, Congress -- Urges enactment of amendment to Federal Water Pollution Control Act providing states may enact and enforce own marine sanitation laws. by *Springer.

***Senate Joint Resolution No. 12** -- Memorials, Congress -- Urges reinstating Aquatic Resources Trust Fund (Wallop-Breaux) moneys on

sustained funding basis to assure continued success of boating safety and education programs. by *Springer.

House Joint Resolution No. 173 -- Naming and Designating -- "Shriners' Week in Tennessee," May 15-20, 1995. by *Westmoreland.

***House Bill No. 1787** -- Juvenile Offenders -- Makes choice of adult facility in which juvenile offender is located matter for discretion of commissioner of correction. Amends TCA 37-1-134. by *Bittle, *Kisber, *Williams (Union), *Clabough, *Boyer, *Coffey, *Davis, *Duer, *Westmoreland, *Kerr, *Ford S, *Hicks, *Newton, *McKee, *Kent, *Beavers, *Cantrell, *Sharp, *Patton, *Roach, *Bird, *Peach, *Bittle, *Haley, *Wood, *McDaniel (SB1775 by *Elsea, *Atchley, *Person, *Rice, *Carter, *McNally).

House Bill No. 74 -- Housing -- Permits compensation for housing authority commissioners if authorized by local ordinance. Amends TCA Title 13, Chapter 20. by *Phillips (*SB43 by *Cooper).

House Bill No. 85 -- Education, Higher -- Adds anthropologist from Middle Tennessee State University to archaeology advisory council. Amends TCA Title 11, Chapter 6. by *Bragg (*SB51 by *Womack, *Kyle).

On motion, House Bill No. 85 was made to conform with **Senate Bill No. 51**; the Senate Bill was substituted for the House Bill.

House Bill No. 440 -- Sunset Laws -- Traumatic brain injury council, June 30, 1997 Amends TCA Title 4, Chapter 29; Title 68, Chapter 55. by *Kernell, *Garrett, *Brooks (*SB494 by *Haynes, *Person).

On motion, House Bill No. 440 was made to conform with **Senate Bill No. 494**; the Senate Bill was substituted for the House Bill.

House Bill No. 462 -- Sunset Laws -- Interstate corrections compact, June 30, 2003 Amends TCA Title 4, Chapter 29; Title 41, Chapter 23. by *Kernell, *Garrett, *Brooks (*SB184 by *Haynes).

On motion, House Bill No. 462 was made to conform with **Senate Bill No. 184**; the Senate Bill was substituted for the House Bill.

House Bill No. 422 -- Sunset Laws -- Department of financial institutions, June 30, 2003 Amends TCA Title 4, Chapters 3, 29. by *Kernell, *Garrett, *Brooks (*SB500 by *Haynes).

On motion, House Bill No. 422 was made to conform with **Senate Bill No. 500**; the Senate Bill was substituted for the House Bill.

***House Bill No. 650** -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for members of Tennessee Police Benevolent Association. Amends TCA Title 55, Chapter 4. by *Williams (Union), *Boyer, *Huskey, *Davis, *Rinks, *Rigsby (SB871 by *McNally, *Kyle).

On motion, House Bill No. 650 was made to conform with **Senate Bill No. 871**; the Senate Bill was substituted for the House Bill.

House Bill No. 1856 -- Benton County - Subject to local approval, authorizes severance tax on pulpwood. by *Peach (SB1834 by *Hamilton).

House Bill No. 1860 -- Gibson County - Authorizes issuance and sale of school bonds up to \$5.3 million by Gibson County School District. Amends Chapter 62, Private Acts of 1981, as amended. by *Phelan (SB1826 by *Carter).

House Bill No. 1872 -- Lake County - Subject to local approval, abolishes position of general sessions court judge as full time position. Amends Chapter 49, Private Acts of 1987, as amended. by *Pinion (SB1860 by *Hamilton).

House Bill No. 1874 -- Crossville -- Subject to local approval, staggers terms of commissioners, allowing two commissioners receiving highest number of votes to serve four year terms, with remaining two commissioners receiving two year terms. Amends Chapter 519 of the Private Acts of 1953, as amended. by *Duer (SB1865 by *O'Brien).

House Bill No. 1877 -- Henry County -- Subject to local approval, restructures school board to conform with requirements of the Education Improvement Act of 1992. Repeals Chapter 436, Private Acts of 1933, as amended. by *Ridgeway (SB1864 by *Hamilton).

House Bill No. 1879 -- Gibson County - As requested by Bradford Special School District, sets property tax rate for district at \$1.94 per \$100 value. Amends Chapter 153, Private Acts of 1917, as amended. by *Phelan (SB1872 by *Carter).

House Bill No. 1880 -- Gibson County - As requested by Trenton Special School District, revises powers of school district board to issue bonds and notes; raises property tax rate from \$1.62 per \$100 value to \$2.07. Amends Chapter 144, Private Acts of 1975. by *Phelan (SB1871 by *Carter).

House Bill No. 1881 -- Fayette County -- Subject to local approval, removes authority of county board of public works to exercise supervision and control over garbage and rubbish collection and disposal services. Amends Chapter 234 of the Private Acts of 1974. by *Naifeh, *Walley (SB1866 by *Wilder).

House Bill No. 1882 -- Ripley -- Subject to local approval establishes municipal voting wards. Amends Chapter 223, Acts of 1901. by *Fitzhugh (SB1876 by *Leatherwood).

House Bill No. 1885 -- Carroll County -- At request of HollowRock-Bruceton Special School District, authorizes board of education to borrow against anticipated revenues. Amends Chapter 317, Private Acts of 1927, as amended. by *Herron (SB1874 by *Carter).

House Bill No. 1886 -- Carroll County -- At request of Huntingdon Special School District, authorizes board of education to borrow funds against anticipated revenues. Amends Chapter 374, Private Acts of 1919, as amended. by *Herron (SB1873 by *Carter).

House Resolution No. 62 -- Memorials, Personal Occasion -- Jim and Lottie Kirkpatrick, 50th anniversary. by *Haley.

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House Resolution No. 63 -- Memorials, Personal Achievement -- Benjamin Boston, Eagle Scout. by *Byrd.

House Resolution No. 64 -- Memorials, Interns -- James Workman. by *Jackson, *Hargrove, *Herron, *McMillan, *Buck, *Stamps, *Newton, *Bird, *Westmoreland, *Boyer, *Peach, *Purcell, *Chumney, *Ritchie.

House Joint Resolution No. 249 -- Memorials, Interns -- Stephanie Smith. by *Armstrong, *Ritchie, *Turner (Shelby), *Tindell, *Dunn, *Boyer, *Williams (Union), *Patton, *McDaniel, *Bittle, *Burchett.

House Joint Resolution No. 250 -- Memorials, Recognition and Thanks -- Welcomes 1995 National Black Expo to Nashville. by *Jones U (Shelby).

Senate Joint Resolution No. 164 -- Memorials, Interns -- David Wayne Buck. by *Rochelle.

Senate Joint Resolution No. 165 -- Memorials, Sports -- Lebanon High School cheerleaders. by *Rochelle.

Senate Joint Resolution No. 166 -- Memorials, Sports -- 1994-1995 Lebanon High School boys' basketball team. by *Rochelle.

Senate Joint Resolution No. 167 -- Memorials, Academic Achievement -- Rodney Owen Topp, Jr. Trousdale County High School 1995 valedictorian. by *Rochelle.

Senate Joint Resolution No. 168 -- Memorials, Academic Achievement -- Edd Scott Haynes, Trousdale County High School Salutatorian. by *Rochelle.

Senate Joint Resolution No. 169 -- Memorials, Sports -- Horace Maynard High School boys' basketball team. by *Wallace.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 74: by Rep. Peach.

House Bill No. 187: by Rep. Pruitt.

House Bill No. 955: by Rep. Odom.

House Bill No. 1531: by Rep. Turner (Shelby).

House Bill No. 1856: by Rep. Purcell.

House Bill No. 1860: by Rep. Peach.

House Bill No. 1872: by Rep. Peach.

House Bill No. 1879: by Rep. Peach.

House Bill No. 1880: by Rep. Peach.

Under the rules, House Bill(s) No(s). 74, 187, 955, 1531, 1856, 1860, 1872, 1879 and 1880 was/were placed at the foot of the calendar for Wednesday, April 26, 1995.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J. DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 503 -- Courts, Juvenile -- Abolishes determinate sentencing of juveniles in juvenile courts; applies prospectively; affects only sentences imposed after effective date. Amends TCA 371-137. by *Buck (*SB14 by *Person).

Further consideration of House Bill No. 503 previously considered on April 17, 1995, and reset for today's Calendar.

Rep. Buck moved that House Bill No. 503, be reset to the Calendar for Monday, May 15, 1995, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1215** -- Education -- Authorizes suspension of school students based on off-campus criminal behavior; requires one year minimum expulsion for possession of weapon on campus. Amends TCA Section 49-6-3401. by *McMillan, *Stulce, *Fitzhugh, *Eckles (SB1576 by *Leatherwood).

Further consideration of House Bill No. 1215 previously considered on April 17, 1995, and reset for today's Calendar.

Rep. McMillan moved that House Bill No. 1215 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1215 by deleting the entire language of the bill after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3401(a), is amended by adding the following new subdivision:

(12) Off campus criminal behavior which results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 1215**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	3
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Bowers, Brooks, Brown -- 3.

Representatives present and not voting were: Jones, U. (Shelby), Turner (Shelby) -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1215 and have this statement entered in the Journal: Rep(s). Ritchie.

REGULAR CALENDAR, CONTINUED

House Bill No. 1731 -- Taxes, Real Property -- Requires trustee to provide current property owner notice of property tax delinquency with tax bill, or subsequent tax sale is void. Amends TCA Title 67, Chapter 5. by *Buck (*SB1620 by *Wilder).

Rep. Buck moved that House Bill No. 1731 be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1731 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-5-1801(b), is amended by adding the following language:

No trustee shall accept current real property taxes due when delinquent real property taxes are owing except that this prohibition shall not apply when the obligor of one (1) or more of the prior year's taxes is in bankruptcy or there is a dispute as to the responsibility for such taxes.

Section 2. This act shall take effect on July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 1731**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland,

White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 106** -- Taxes, Sales -- Exempts agri-sawdust from sales and use taxes - Amends TCA Title 67, Chapter 6, Part 3. by *Windle (SB396 by *Burks, *Rochelle).

On motion, House Bill No. 106 was made to conform with **Senate Bill No. 396**; the Senate Bill was substituted for the House Bill.

Rep. Windle moved that Senate Bill No. 396 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 396 by deleting the effective date section and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 1994, the public welfare requiring it and shall apply to any assessment made on or after the effective date.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that **Senate Bill No. 396**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Tindell -- 1.

A motion to reconsider was tabled.

House Bill No. 631 -- Agriculture -- Enacts "Agricultural District and Farmland Preservation Act." Amends TCA Title 43. by

*Givens, *Davidson, *Head, *Newton, *Roach (*SB512 by *Haun, *Holcomb).

Rep. Givens moved that House Bill No. 631 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 631 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 43, is amended by adding Sections 2 through 8 of this act as a new, appropriately designated chapter.

SECTION 2. This act shall be known and may be cited as the "Agricultural district and Farmland Preservation Act of 1995".

SECTION 3. It is the intent and purpose of the state of Tennessee to encourage the conservation, protection, and responsible utilization of lands that are managed for purposes of agricultural production. It is recognized that such lands are finite, fragile, and valuable resources that contribute economically and socially to the well-being of the state of Tennessee. It is also recognized that these lands are subject to change and conversion from agricultural production as a result of urban expansion, and similar land development measures. It is the policy of the state to provide a process for the recognition of lands dedicated to agricultural production and to assure an accurate understanding of the impacts of public policy decisions that might otherwise alter the capability of those lands to remain in agricultural production.

SECTION 4. As used in this chapter, unless the context clearly indicates otherwise:

() "Agricultural production" means those operations including associated land and facility management activities engaged in the commercial propagation, raising, harvesting and/or processing of any plant or animal or products thereof for purposes of consumption, utilization, good, or service either on-site or for distribution;

() "Farmland" means land and associated facilities involved in agricultural production activities;

() "Agricultural district" means those properties residing within a contiguous boundary and meeting appropriate criteria for designation as such by the local soil conservation district;

() " Soil conservation district" means that governmental body established by Title 43, Chapter 14, Part 2;

() " State soil conservation committee" means that governmental body established by Title 43, Chapter 14, Part 2;

() " Board of supervisors" means the governing body of the local soil conservation district;

() " Ownership" means any individual, family, company, corporation, or organization holding title to property within a proposed or established agricultural district; and

() " Petition" means the application and application process for designation of an agricultural district as submitted to the local soil conservation district.

SECTION 5.

(a) To qualify for designation as an agricultural district a district shall initially contain at least two hundred and fifty (250) contiguous acres and may include any number of individual property ownership; however, no single ownership shall contain less than fifteen (15) acres. The provisions of this act shall not alter the eligibility requirements or any other provision of the agricultural, forest and open space land act codified in Tennessee Code Annotated, Title 67, Chapter 5, Part 10.

(b) Agricultural districts can only include ownership engaged in agricultural production.

(c) Landowners must submit a petition to the local soil conservation district board of supervisors requesting designation of an agricultural district. The petition shall include the following information:

(1) A general description of the proposed agricultural district including total number of ownership, total acreage, land use information, social and economic information about the respective area of the county, and potential impacts of development on agricultural production;

(2) Location of the proposed agricultural district boundary on a standard U.S. Geological Survey Quadrangle map (1:2000 scale);

(3) Location of the proposed agricultural district boundary on the local county tax assessor map including location and identification of each ownership within the

agricultural district as well as identification of all ownership adjacent to the agricultural district;

(4) A description of the type and extent of production activity for each agricultural ownership within the proposed agricultural district.

(5) Other pertinent information as the soil conservation district board of supervisors may require to evaluate the petition.

(d) Individual ownership participation in an agricultural district is entirely voluntary, and no land shall be included in the agricultural district without the consent of the owner.

(e) Upon receipt of a petition the local soil conservation district board of supervisors shall notify the county commissioner and/or any local or regional planning or zoning body that may apply by sending a copy of the petition to such body.

(f) In evaluating a petition for the establishment of an agricultural district the local soil conservation district board of supervisors shall consider the following:

(1) The capability of the land to support continued agricultural production as indicated by soil conditions, climate, topography, and other natural conditions;

(2) The ability of the local, regional, state, and international markets to support continued agricultural production; and

(3) Any matter which might be relevant to evaluation of the petition.

SECTION 6.

(a) Upon review of a petition the local soil conservation district board of supervisors may approve designation of an agricultural district. A designated agricultural district shall be established for a period of five (5) years and reviewed for redesignation every five (5) years thereafter. However, the soil conservation district may review the status of designation at any time upon the written request and justification of the respective county executive, mayor, or city manager or upon a decision of the board of supervisors that such a review is appropriate. The soil conservation district board of supervisors may sustain or repeal designation of an agricultural district based upon the following:

(1) The continued viability of the agricultural district. An agricultural district can become reduced in acreage based upon the voluntary withdrawal of any of the ownership. However, the agricultural district shall cease to exist if the total designated acreage drops below twenty (20) acres;.

(2) The impacts and consequences of proposed land development; and

(3) Other factors that the board of supervisors may find relevant.

(b) Any ownership, or any successor heir of the ownership within an agricultural district may withdraw from the agricultural district upon notifying the local soil conservation district in writing.

(c) Landowners may re-submit petitions for designation or redesignation at any time to the local soil conservation district.

(d) If a petition is rejected or the local soil conservation district board of supervisors repeals designation of an agricultural district, the ownership within the agricultural district can appeal the decision of the board of supervisors to the state soil conservation committee. Based upon a review of all relevant information and following a public hearing, the state soil conservation committee may either sustain or overturn the decision of the local soil conservation district.

SECTION 7. Upon establishment of an agricultural district the following procedures, limitations, and responsibilities shall apply:

(1) Any ownership within an agricultural district who has received a notice of condemnation proceedings against its property may request the local soil conservation district to conduct a public hearing to review the project's impact on that property. Such public hearing shall be held within forty-five (45) calendar days of the receipt of such summons of condemnation proceedings.

(2) The local soil conservation district with the assistance of the state soil conservation committee shall provide appropriate notification about establishment of the agricultural district to local and state government agencies, local media, and other communication networks. The soil conservation district shall also issue appropriate certificates of recognition to the respective ownership within the agricultural district.

(3) The local soil conservation district in cooperation with the local roads superintendent, or his counterpart, as well as the Tennessee department of transportation, may erect signs as may be appropriate to recognize a designated agricultural district.

SECTION 8. An individual agricultural district may be comprised of ownership residing in more than one (1) soil conservation district as long as the conditions of a contiguous boundary are satisfied. In such a case, each soil conservation district shall have the responsibility to meet the requirements of this act within the county of its jurisdiction.

SECTION 9. It is not the intent of the general assembly in adopting this act to in any way prohibit, restrict, inhibit, or affect municipalities and/or counties in the exercise of the specific powers delegated by §§6-51-101, et seq.; 13-3-101, et seq.; 13-3-301, et seq.; 13-3-401, et seq.; 13-4-101, et seq.; 13-4-201, et seq.; 13-4-301, et seq.; 13-7-101, et seq.; and 13-7-401, et seq.; or to allow this to be done pursuant to this act. Furthermore, it is not the intent of the general assembly in adopting this act to in any way prohibit, restrict, inhibit, or affect any municipality or county in exercising any other power or authority the municipality or county may lawfully exercise, or to allow this to be done pursuant to this act. Nor is it the intent of the general assembly in adopting this act to affect a county's or municipality's power of eminent domain as provided in §§29-17-101, et seq. and 29-17-201, et seq. in any way other than as described in Section 7 of this act.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 631 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. This act shall not apply to any county with a metropolitan form of government having a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Givens moved that **House Bill No. 631**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J. DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S. Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan,

Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 863 -- Bond Issues -- Enacts "Tennessee Insurance Guaranty Association Bond Act of 1995." Amends TCA Title 4, Chapter 31; Title 56, Chapter 12. by *Chumney (*SB269 by *Womack).

Rep. Chumney moved that House Bill No. 863 be moved down ten spaces on today's Calendar, which motion prevailed.

***House Bill No. 1491** -- Trade Regulation -- Directs owner of rental property to mark and identify such property. Amends TCA Title 39, Chapter 14. by *Joyce (SB1647 by *Person).

Further consideration of House Bill No. 1491, previously considered on April 5, 1995, and April 10, 1995, and reset for today's Calendar.

Speaker Pro Tem DeBerry requested that House Bill No. 1491 be moved to the heel of the Calendar, which motion prevailed.

***House Bill No. 1788** -- Criminal Procedure -- Requires collection of biological specimens for DNA analysis from certain sexual offenders before sentencing. Amends TCA 40-35-321. by *Davis, *Kerr, *Bird, *Clabough, *Boyer, *Newton, *Hicks, *Coffey, *Duer, *Westmoreland, *Ford S, *McKee, *Kent, *Williams (Unio), *Beavers, *Cantrell, *Sharp, *Patton, *Roach, *Peach, *Wood, *Davis, *Haley (SB1776 by *McNally, *Atchley, *Miller J, *Haun, *Person).

Rep. Westmoreland moved that House Bill No. 1788 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1788 by deleting Section 1 in its entirety and substituting in its place the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-321(b), is amended by adding the following language after the first sentence:

If the person is not incarcerated at the time of sentencing, the order shall require the person to report to the county or district health department, which shall gather the specimen. If the person is incarcerated at the time of sentencing, the order shall require the chief administrative officer of the institution of incarceration to designate a qualified person to gather the specimen.

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved that **House Bill No. 1788**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 385** -- DUI/DWI Offenses -- Makes BAC of 0.10 percent per se DUI offense. Amends TCA Title 55, Chapter 10. by *Robinson, *Coffey, *Givens (SB1379 by *Gilbert).

Rep. Robinson moved that House Bill No. 385 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

House Bill No. 490 -- Indigents -- Requires indigent plaintiff to file affidavit of indigency as prescribed by court rule in addition to present oath. Amends TCA Title 20, Chapter 12. by *Phelan, *Purcell (*SB276 by *Haynes).

On motion, House Bill No. 490 was made to conform with **Senate Bill No. 276**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that Senate Bill No. 276 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 276 by deleting the following language in subsection (a) of Section 1:

Any civil action may be commenced

and substituting instead the following:

Any civil action may be commenced by a resident of this state

On motion, Amendment No. 1 was adopted.

Rep. Phelan moved that **Senate Bill No. 276**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1078 -- Public Defenders -- Creates four paralegal positions in public defender's office for sixth judicial district. Amends TCA Section 8-14-202. by *Armstrong, *Tindell, *Ritchie, *Boyer (*SB1017 by *Atchley, *Gilbert).

Rep. Armstrong moved that House Bill No. 1078 be passed on third and final consideration.

Rep. Armstrong moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1078 in the amendatory language of Section 1 by deleting the language " four (4)" and by substituting instead the language " one (1)" .

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1078 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. Armstrong moved that **House Bill No. 1078**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 393 -- Courts, Juvenile -- Authorizes juvenile court to join child's parent or guardian as respondent to juvenile court action and issue summons requiring parent or guardian to appear. Amends TCA Title 37. by *Jones R (Shelby), *Armstrong, *Turner (Shelby) (*SB240 by *Dixon).

On motion, House Bill No. 393 was made to conform with **Senate Bill No. 240**; the Senate Bill was substituted for the House Bill.

Rep. Jones R (Shelby) moved that **Senate Bill No. 240** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J,

DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 33 -- DUI/DWI Offenses -- Authorizes judge to sentence second offense DUI offender to work release program if county has, by two-thirds vote of legislative body, adopted and established such program in accordance with specified guidelines. Amends TCA 41-2-128 by *Kent (*SB9 by *Kyle).

On motion, House Bill No. 33 was made to conform with **Senate Bill No. 9**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that **Senate Bill No. 9** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 84
Noes 7
Present and not voting 4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Mr. Speaker Naifeh -- 84.

Representatives voting no were: Bird, Coffey, Givens, Rhinehart, Windle, Winningham, Wood -- 7.

Representatives present and not voting were: Hargrove, Lewis, Ritchie, Shirley -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 9 and have this statement entered in the Journal: Rep(s). Bell.

REGULAR CALENDAR, CONTINUED

***House Bill No. 585** -- Local Education Agency -- Allows county commission to continue indefinitely popular election of school superintendent. Amends TCA Title 49, Chapter 2, Part 3. by *Boyer, *Roach, *Williams (Unio) (SB742 by *Springer).

Rep. Boyer moved that House Bill No. 585 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 585 by deleting all of the language after the enacting clause and substituting instead the following:

SECTION 1. The Select Oversight Committee on Education is directed to revisit the issue of whether county school superintendents should be elected or appointed and the various potential impacts that issue has on the Basic Education Program. The committee shall make its report to the two (2) speakers by January 10, 1996.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.
On motion, Amendment No. 1 was adopted.

Rep. Boyer moved that **House Bill No. 585**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1538 -- Sexual Offenses -- Makes sexual penetration of or contact with victim without victim's consent sufficient to constitute rape or sexual battery regardless of whether force used. Amends TCA Title 39, Chapter 13, Part 5. by *McAfee, *Turner (Ham), *Chumney, *McMillan, *Duer, *Robinson, *Sharp (*SB1708 by *Crutchfield).

Rep. McAfee moved that House Bill No. 1538 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1538 by deleting subsection (a)(2) of the amendatory language of SECTION 1 and substituting instead the following:

(2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;

FURTHER AMEND by deleting subsection (a)(2) of the amendatory language of SECTION 2 and substituting instead the following:

(2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved that **House Bill No. 1538**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Bowers, Towns -- 2.

Representatives present and not voting were: DeBerry, J -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to yes on House Bill No 1538 and have this statement entered in the Journal: Rep(s). DeBerry, J.

REGULAR CALENDAR, CONTINUED

House Bill No. 550 -- Marriage -- Eliminates three day waiting period for marriage license applicants if both are 18 or older. Amends TCA Title 36, Chapter 3. by *Stamps (*SB275 by *Haynes).

On motion, House Bill No. 550 was made to conform with **Senate Bill No. 275**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 275 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 275 by deleting Section 1 and substituting the following as a new Section 1:

SECTION 1. Tennessee Code Annotated, Section 36-3-104 is amended by deleting the language of subsection (a) and substituting the following as subsection (a):

(a) No county clerk nor deputy clerk shall issue a marriage license until the applicants make an application in writing, stating the names, ages, addresses of the both the proposed male and female contracting parties and the names and addresses of the parents, guardian or next of kin of both parties. The application shall be sworn to by both applicants. Should either individual be incarcerated, the inmate shall not be made to appear but shall submit a notarized statement containing the name, age, current address and a name and address of his or her parents, guardian or next of kin. If an applicant has a disability which prevents the applicant from appearing, the applicant may submit a notarized statement containing the person's name, age, current address, and the names and address of the parents, guardian or next of kin.

On motion, Amendment No. 1 was adopted.

Rep. Stamps moved that **Senate Bill No. 275**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole

(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L, Duer, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Dunn, Eckles, Head, Jones, U (Shelby), Patton -- 5.

A motion to reconsider was tabled.

House Bill No. 863 -- Bond Issues -- Enacts "Tennessee Insurance Guaranty Association Bond Act of 1995." Amends TCA Title 4, Chapter 31; Title 56, Chapter 12. by *Chumney (*SB269 by *Womack).

Further consideration of House Bill No. 863 previously considered on today's calendar.

Rep. Chumney requested that House Bill No. 863 be moved to the heel of the Calendar, which motion prevailed.

House Bill No. 851 -- Coon Dog Laws -- Authorizes coon hunts during closed season in Morgan County so long as no coons are taken. Amends TCA Section 70-4-122. by *Windle (*SB1246 by *O'Brien).

Rep. Windle moved that House Bill No. 851 be reset to the Calendar for Wednesday, April 26, 1995, which motion prevailed.

House Bill No. 1086 -- Cemeteries -- Purports to amend annual report requirements of cemetery companies and audit requirements; however, makes no substantive change in the law. Amends TCA 46-2-202, 205. by *Byrd (*SB1304 by *Ford J).

Further consideration of House Bill No. 1086, previously considered on April 19, 1995, and reset for today's Calendar.

On motion, House Bill No. 1086 was made to conform with **Senate Bill No. 1304**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that Senate Bill No. 1304 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1

Rep. Byrd moved that **Senate Bill No. 1304** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1380 -- Education -- Restricts policy of state in education of handicapped children to comply with federal law requirements. Amends TCA 49-10-101. by *Davis, *Huskey, *Roach (*SB1582 by *Haun).

Further consideration of House Bill No. 1380, previously considered on April 19, 1995, and reset for today's Calendar.

Rep. Davis moved that House Bill No. 1380 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1380 by adding the following new sentence at the end of the amendatory language in Section 1 of the printed bill:

Such intent shall not be construed to affect programs for the gifted provided through the state under the provisions of Title 49, Chapter 10 or to decrease per pupil spending on such programs for the gifted.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1380 by adding the following language at the end of the amendatory language in Section 1 of the printed bill:

Such intent shall not be construed to affect programs provided through the state under the provisions of Title 49, Chapter 10 or to decrease per pupil spending on such programs.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1380 by adding the following sentence at the end of the amendatory language in Section 1 of the printed bill:

This act in no way will affect the provisions or funding provided to the handicapped children of the State of Tennessee ages 3-21, including those turning 22 during the school year, or any definitions included in Tennessee law such as the intellectually gifted children.

Rep. Davidson moved to amend as follows:

Amendment No. 1 to Amendment No. 3

AMEND House Bill No. 1380 by deleting the language "handicapped children" from the language added by Amendment #3 and substituting instead the language "disabled children".

Rep. Davidson moved that Amendment No. 3, as amended, be adopted which motion prevailed.

Rep. Jones U (Shelby) moved the previous question, which motion prevailed.

Rep. Davis moved that **House Bill No. 1380**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	64
Noes	15
Present and not voting	17

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J. Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Head, Hicks, Huskey, Jones, R (Shelby), Jones, U (Shelby), Kent, Kerr, Kisber, McAfee, McDaniel, McKee, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stulce, Tindell, Venable, Walley, Westmoreland, Whitson, Williams (Union), Winningham, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Arriola, Brooks, Chumney, DeBerry, L. Fitzhugh, Haley, Hargrove, Hassell, Herron, Joyce, Kernell, Lewis, Odom, White, Windle -- 15.

Representatives present and not voting were: Armstrong, Brown, Buck, Halteman Harwell, Jackson, Jones, S, Langster, McDonald, McMillan, Pruitt, Purcell, Ridgeway, Robinson, Stamps, Turner (Shelby), West, Williams (Williamson) -- 17.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on House Bill No. 1380 and have this statement entered in the Journal: Rep(s). Kent.

REGULAR CALENDAR, CONTINUED

House Bill No. 1649 -- Uniform Commercial Code -- Revises Uniform Commercial Code relative to commercial paper, bank deposits and collections. Amends TCA Title 47, Chapters 1, 3 and 4. by *West, *Fitzhugh, *Hargrove, *Byrd (*SB1601 by *Rochelle).

Further consideration of House Bill No. 1649, previously considered on April 19, 1995, and reset for today's Calendar.

Rep. West moved that House Bill No. 1649 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: McMillan, Robinson, Shirley -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1649 and have this statement entered in the Journal: Rep(s). McMillan.

REGULAR CALENDAR, CONTINUED

House Bill No. 1359 -- Financial Disclosure -- Adds to present Class 2 offenses, intentional misrepresentation or distortion or misleading of public as to contribution or expenditure statement by a candidate of another candidate. Amends TCA Title 2, Chapter 10, Part 1. by *Bragg (*SB1470 by *Crowe).

Rep. Bragg moved that House Bill No. 1359 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1359 by deleting the word "intentionally" from the amendatory language of Section 1.

Rep. Jones U (Shelby) moved the previous question on Amendment No. 1, which motion prevailed.

On motion to adopt, Amendment No. 1 failed.

Rep. Bragg requested that House Bill No. 1359 be moved to the heel of the Calendar, which motion prevailed.

House Bill No. 914 -- Contractors -- Extends time by which person, firm, or corporation engaging or offering to engage in contracting without license is prohibited from receiving such license, from six to seven months, after board of licensing contractors determines violation occurred. Amends TCA Title 62, Chapter 6. by *Kisber (*SB1009 by *Hamilton).

Rep. Kisber moved that House Bill No. 914 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 914 by deleting SECTION 1 in its entirety and substituting instead the following new section:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 6, Part 1, is amended by adding the following language as a new section:

In addition to any applicable requirement of Tennessee Code Annotated, Section 12-4-201, no contract for the services of a construction manager shall be awarded for any public work in this state by any city, county, or state authority, or any board of education unless there shall be posted at the time of the submittal of a proposal for services by a construction manager a bid bond equal to ten percent (10%) of the value of the services proposed and the value of the work to be managed, or may at the time of contracting provide payment and performance bonds in amounts equal to the combined monetary value of the services of the construction manager and the value of the work to be so managed.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 914**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Brooks, Brown, Coffey -- 3.

A motion to reconsider was tabled.

House Bill No. 1434 -- County Government -- Authorizes counties with charter form of government to issue citations in lieu of arrest for traffic and county ordinance violations; authorizes such counties to enter into agreement with district attorney general of county to prosecute ordinance violations in such county. Amends TCA Title 7, Chapter 63 and Title 8, Chapter 7. by *Boyer, *Dunn, *Burchett, *Bittle, *Tindell, *Ritchie, *Buck (*SB1433 by *Gilbert, *McNally, *Atchley).

Rep. Boyer moved that House Bill No. 1434 be reset to Calendar for Monday, May 15, 1995, which motion prevailed.

House Bill No. 441 -- Sunset Laws -- Employee assistance professional board, June 30, 1996 Amends TCA Title 4, Chapter 29; Title 62, Chapter 42. by *Kernell, *Garrett, *Brooks (*SB493 by *Haynes).

On motion, House Bill No. 441 was made to conform with **Senate Bill No. 493**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 493 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 493 by adding the following as a new section to precede the effective date section:

SECTION ____ (a) Tennessee Code Annotated, Section 62-4-106(1), is amended by deleting the language " December 1 of each year" and by substituting instead the language " December 1 of each even-numbered year" .

(b) Tennessee Code Annotated, Section 62-4-106(2), is amended by deleting the language " January 1 of each year" and by substituting instead the language " January 1 of each even-numbered year" .

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 493**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Ritchie -- 1.

A motion to reconsider was tabled.

House Bill No. 1536 -- Criminal Procedure -- Requires court having jurisdiction to expunge misdemeanor records upon request of misdemeanant, if no subsequent criminal offense committed since original misdemeanor conviction; requires petition to expunge records to be filed not less than five nor more than 20 years from date of conviction. Amends TCA Section 40-32-101. by *Stulce (*SB1712 by *Crutchfield).

Rep. Stulce moved that House Bill No. 1536 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1536 by adding the following words to the amendatory language of Section 1 after " except for " :

any crime of moral turpitude or for

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1536 by deleting from the first sentence of subdivision (A) of the amendatory language of Section 1 the word " shall" and by substituting instead the word " may" .

AND FURTHER AMEND by adding the following after " previous matter, be" in the first sentence of subdivision (A) of the amendatory language of Section 1:

, in the discretion of the court,

On motion, Amendment No. 2 was adopted.

Rep. Stulce moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1536 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ___. Tennessee Code Annotated, Section 40-32-101, is amended by adding a new subsection thereto as follows:

() A person may only have records relative to a misdemeanor conviction expunged once during his lifetime.

On motion, Amendment No. 3 was adopted.

Rep. Peach moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1536 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ___. Tennessee Code Annotated, Section 40-32-101, is amended by adding a new subsection thereto as follows:

() If a person is charged with a felony, and such felony is later reduced to a misdemeanor then such misdemeanor conviction shall not be subject to expungement pursuant to this section.

On motion, Amendment No. 4 was adopted.

Rep. Peach moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 1536 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 40-32-101, is amended by adding a new subsection thereto as follows:

() The provisions of this section shall not apply to a conviction for a Class A misdemeanor.

On motion, Amendment No. 5 was adopted.

Rep. Stulce moved that House Bill No. 1536, as amended, be passed on third and final consideration.

Rep. Rinks moved that House Bill No. 1526 be reset to the Calendar for Wednesday, April 26, 1995, which motion prevailed.

***House Bill No. 1491** -- Trade Regulation -- Directs owner of rental property to mark and identify such property. Amends TCA Title 39, Chapter 14. by *Joyce (SB1647 by *Person).

Further consideration of House Bill No. 1491 previously considered on today's calendar.

Rep. Joyce moved that House Bill No. 1491 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1491 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply to motor vehicles as defined in Tennessee Code Annotated, Title 55.

On motion, Amendment No. 1 was adopted.

Rep. Joyce moved that **House Bill No. 1491**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 69
Noes 16
Present and not voting 6

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Duer, Ford, Givens, Gunnels, Hargrove, Hassell, Head, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell,

Kerr, Kisber, McAfee, McDaniel, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Rigsby, Rinks, Roach, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Armstrong, DeBerry, L, Fitzhugh, Fowlkes, Halteman Harwell, Herron, Lewis, McDonald, McMillan, Purcell, Ramsey, Ridgeway, Ritchie, Tindell, White, Windle -- 16.

Representatives present and not voting were: Bragg, Chumney, Dunn, Eckles, Haley, Langster -- 6.

A motion to reconsider was tabled.

House Bill No. 863 -- Bond Issues -- Enacts "Tennessee Insurance Guaranty Association Bond Act of 1995." Amends TCA Title 4, Chapter 31; Title 56, Chapter 12. by *Chumney (*SB269 by *Womack).

Further consideration of House Bill No. 863 previously considered on today's calendar.

On motion, House Bill No. 863 was made to conform with **Senate Bill No. 269**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 269 be passed on third and final consideration.

Rep. Chumney moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Chumney moved adoption of Amendment No. 2 as follows:

Amendment No. 2

Senate AMEND Senate Bill No. 269 by deleting the language added by Amendments 1 and 2.

31-802 AND FURTHER AMEND by deleting from SECTION 1 in Section 4- the first sentence and substituting instead the following:

The general assembly finds and declares that if a natural disaster, as defined herein causes, in whole or in part, an insolvency resulting in covered claim in excess of the association's capacity to pay from the assessments under § 56-12-107(a)(3), it is proper to authorize the authority to issue bonds to expedite the handling and payment of covered claims against insolvent insurers operating in this state.

AND FURTHER AMEND by adding to SECTION 1 in Section 4-31-803 the following new subdivisions:

(3) "Bonds" means all bonds, notes or other obligations issued by the authority under this part.

(4) "Natural disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water,

tidal wave, tsunami, earthquake, volcanic eruption,
landslide, mudslide, snowstorm, ice storm, drought, fire, explosion,
civil disturbance or other catastrophe which causes or may cause
substantial damage or injury to property.

31-804 AND FURTHER AMEND by deleting from SECTION 1 in Section 4-
the first sentence and substituting instead the following:

The authority may issue bonds in an amount not to
exceed the ability of the association to repay the bond
indebtedness from assessments assessed pursuant to
§ 56-12-103(a)(3) and § 56-12-107(b)(3) with the proceeds
of such bond issuance to fund a loan to the association in
accordance with the provisions of the bond documents under which
the bonds are issued and the association shall expend such
loan funds for the purpose of paying to claimants or
policyholders covered claims, as such term is defined herein,
arising through an insolvency.

805 and AND FURTHER AMEND by deleting from SECTION 1 Section 4-31-
substituting instead the following:

Prior to the issuance of bonds to pay covered claims
in the event of an insolvency, the commissioner of
commerce and insurance for the state of Tennessee shall
recommend the amount of unpaid covered claims to be paid
from the bond issuance. In making its recommendation, the
commissioner of commerce and insurance shall review whether the
amount of assessments proposed by the association could
service repayment of the bond indebtedness and whether
the insurers have the ability to pay the assessments to
be levied.

31-807 (b) AND FURTHER AMEND by deleting from SECTION 1 in Section 4-
the word "oder" and substituting instead the word
"order."

31- 808(a)(1) AND FURTHER AMEND by deleting from SECTION 1 in Section 4-
the language ", not exceed the estimated reasonable
cost of the claims to be financed,".

31-808, AND FURTHER AMEND by deleting from SECTION 1 in Section 4-
subsection (b) and substituting instead the following:

In addition to the foregoing, the authority shall
administer loans made under this part only after it
has determined that the association has the ability to
repay the amount loaned.

809 and AND FURTHER AMEND by deleting from SECTION 1 Section 4-31-
substituting instead the following:

All loan agreements entered into pursuant to this part
shall be subject to approval by the attorney general and
reporter as to form and by the commissioner of finance and
administration; all payments made pursuant to such loan
agreement shall be as to funding approved by the authority; all
payments made to the association under the loan agreements are to
be requested on forms approved by the authority in

amounts consistent with the loan amount; and such payments shall be subject to audit at any time.

AND FURTHER AMEND by deleting from SECTION 1 in Section 4-31-810(c)(1), subdivision (B) in its entirety.

AND FURTHER AMEND by deleting from SECTION 1 in Section 4-31-808, subdivisions (h)(1) and (h)(2).

AND FURTHER AMEND by deleting from SECTION 1 in Section 4-31-811 subsection (a) and substituting instead the following:

The authority is hereby authorized to establish in the state treasury a special trust fund of the authority to be known as the "Tennessee Insurance Guaranty Association Fund".

AND FURTHER AMEND by deleting from SECTION 1 Section 4-31-813 in its entirety

AND FURTHER AMEND by deleting the amendatory language of SECTION 2 and substituting instead the following:

In the event of an insolvency resulting in covered claims payable by the association in excess of its capacity to pay from assessments under § 56-12-107(a)(3), the association in its sole discretion, may by resolution request the Local Development Authority to issue bonds and/or notes pursuant to Title 4, Chapter 31, Part 8, in such amounts as the association may determine necessary to provide funds for the payments of covered claims and expenses related thereto. Provided however, the amount of the bond issuance may be limited by § 4-31-805 and § 4-31-804 with the Local Development Authority having the final authority to determine the total amount of the bond issuance including issuance costs. When the association and the Local Development Authority agree that bonds or notes shall be issued to pay covered claims in the event of an insolvency, the association shall have the authority to annually assess member insurers for amounts necessary to secure and provide for the repayment of the indebtedness, including without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of such indebtedness including bond investors insurance. Necessary assessments collected pursuant to this authority shall be collected under the same procedures provided in § 56-12-107(a)(3). Assessments collected under this section may be assigned and pledged to or on behalf of the Local Development Authority for the benefit of the holders of such indebtedness, in order to provide for the payment of the principal of, redemption premium, if any, and interest on such indebtedness, the costs of issuance, and the funding of any reserves and an other payments under the documents under which the indebtedness was incurred. In addition to the assessments provided for this section, the association in its sole discretion may utilize assessments made under § 56-12-107(a)(3), to service such indebtedness, if necessary. The association shall have no

obligation to pay covered claims solely from the proceeds of bonds or notes issue under § 4-31-804.

Provided, however, if the association may cause assessments to be made hereunder for such covered claims, and assigns and pledges such assessments to or on behalf of the Local Development Authority as issuer of such indebtedness for the benefit of the holders of bonds or notes, the association may administer such covered claims and present valid covered claims or payment.

On motion, Amendment No. 2 was adopted.

Rep. Chumney moved that **Senate Bill No. 269**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 93.

Representatives present and not voting were: Boyer, Mr. Speaker Naifeh -- 2.

A motion to reconsider was tabled.

House Bill No. 1359 -- Financial Disclosure -- Adds to present Class 2 offenses, intentional misrepresentation or distortion or misleading of public as to contribution or expenditure statement by a candidate of another candidate. Amends TCA Title 2, Chapter 10, Part 1. by *Bragg (*SB1470 by *Crowe).

Further consideration of House Bill No. 1359 previously considered on today's Calendar.

Rep. Bragg moved that House Bill No. 1359 be passed on third and final consideration.

Rep. Duer moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1359 by deleting the words "Any candidate" from the amendatory language of Section 1 and by

substituting instead the words " Any candidate, person, or political campaign committee" .

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved that **House Bill No. 1359**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 971 -- Public Service Commission -- Permits toll-free countywide telephone calling. Amends TCA Title 65, Chapter 21, Part 1. by *Duer, *Curtiss, *Givens, *Cantrell, *Pinion, *Herron, *Newton, *Williams (Union), *McMillan, *Head, *Windle (*SB1249 by *O'Brien, *Miller J, *Wallace, *Rice).

Senate Amendment No. 4

AMEND House Bill No. 971 by changing the effective date to September 1, 1995.

Rep. Duer moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 971**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald,

McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 26, 1995:

Senate Bill No. 1780: by Rep. Gunnels.

House Bill No. 17: by Rep. McKee.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 27, 1995:

House Bill No. 1465: by Rep. Rhinehart.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 73**, Representative Callicott moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 1504, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 735: Rep(s). West and Halteman Harwell as prime sponsor(s).

House Bill No. 1163: Rep(s). Cole as prime sponsor(s).

House Bill No. 1520: Rep(s). Cole as prime sponsor(s).

House Bill No. 1627: Rep(s). Head as prime sponsor(s).

House Bill No. 1772: Rep(s). Pinion as prime sponsor(s).

House Bill No. 1773: Rep(s). Pinion as prime sponsor(s).

House Bill No. 1774: Rep(s). Pinion as prime sponsor(s).

House Bill No. 1778: Rep(s). Pinion as prime sponsor(s).

MESSAGE FROM THE SENATE
April 24, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 78, 143, 227 and 228; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 14; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
-- Courts, Juvenile -- Abolishes
*Senate Bill No. 14 determinate sentencing of juveniles in juvenile courts; applies prospectively; affects only sentences imposed after effective date. Amends TCA 371-137. by *Person (HB503 *Buck).

MESSAGE FROM THE SENATE
April 24, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 359 and 1264; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 38, 684, 693, 938, 1340 and 1355; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 215, 295, 371, 922, 964, 1020 and 1321; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L.,

Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

Rep. Purcell moved, pursuant to Senate Joint Resolution No. 160, the House stand in recess until 1:30 p.m. on Wednesday, April 26, 1995, at which time the House will go into Joint Convention with the Senate and at the end of the Joint Convention, the House stand in Regular Session, which motion prevailed.